IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 659 of 2007

SMT.RAMBHA DEVI & ORS.
V/S
SURESH KUMAR & ORS.

Mr. CR JAKHAR, for the appellant / petitioner

Date of Order : 4.5.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

By the impugned order, the learned trial Court has dismissed the petitioner's application for being impleaded as party. The petitioner claims to be in possession of the property, and therefore, being interested in the litigation. Suffice it to say that the suit has been filed by Suresh Kumar against Maghraj for specific performance of the agreement said to have been executed by Maghraj on 20.12.2004, and obviously, consequentially the decree for possession has also been prayed. No relief has been claimed against the petitioner, and the learned trial Court has found that the plaintiff is dominus litis, and the petitioner's presence is not necessary, nor is he a necessary or even a proper party. Obviously whatever decree is passed in the suit, that would not effect the rights of the petitioner if the petitioner has any. In that view of the matter, I do not find any error in the impugned order. The writ petition is, therefore, dismissed summarily.

(N P GUPTA),J.

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